TRANSPARENCY INTERNATIONAL U.S.
fighting corruption, promoting democracy

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Congressional Leaders Unveil Bicameral, Bipartisan Bill to Protect Americans from Bribery Abroad

Measure Would End Impunity for Corrupt Foreign Officials Who Demand Bribes from Americans and American Companies

A statement from Transparency International U.S.
July 18, 2023

Today a bipartisan group of congressional leaders in the Senate and House of Representatives introduced the Foreign Extortion Prevention Act (or FEPA). FEPA would make it a crime for a foreign official to demand or accept a bribe from an American or American company, or from any person while in the territory of the United States, in connection with obtaining or retaining business. Along with Transparency International U.S. (TI US), FEPA is supported by the U.S. Chamber of Commerce, FDD Action, Citizens for Responsibility and Ethics in Washington, and a broad coalition of civil society organizations that work to promote transparency and accountability in government. It also reflects a commitment made by the Biden Administration to work with Congress to criminalize the "demand side" of foreign bribery.

To coincide with the introduction of FEPA, TI US has published an updated analysis of the constitutional and practical frameworks for enforcing the law around the world, as well as endorsements for FEPA from Transparency International (TI) chapters across the world, including from Nigeria, Lebanon, Venezuela, Czech Republic, Cambodia, and Kenya, among others.

Scott Greytak, Director of Advocacy for TI US, said the following on the introduction of FEPA:

> When foreign officials demand bribes, they steal precious resources from their citizens, endanger law-abiding Americans and American businesses, give impunity to environmental criminals, and fortify and finance corrupt, authoritarian regimes.
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> Current U.S. law makes it a crime for an American or American company to offer a bribe to a foreign official yet does nothing to prevent or punish foreign officials who demand or accept such bribes. Our research shows that

few other countries are actively enforcing their foreign anti-bribery laws. If corrupt officials also face no threat of prosecution by the U.S., while U.S. companies face serious criminal liability for their involvement in bribery schemes, we're left with incomplete justice. It's time for the United States to impose a cost on those who would threaten Americans' safety with bribe demands.

If approved by Congress, FEPA would create a powerful new tool for protecting Americans and American businesses working abroad and for fighting foreign corruption at its source. We thank Sens. Sheldon Whitehouse and Thom Tillis, Reps. Joe Wilson and Sheila Jackson Lee, and the Helsinki Commission for their leadership on FEPA and urge Congress to approve the bill with expediency.

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TI US is part of the world's largest coalition against corruption. In collaboration with national chapters in more than 100 countries, through research, policy development, and advocacy, we are leading the fight to turn our vision of a world free from corruption into reality.

Related Resources

- Read the text of FEPA
- Read TI US's factsheet on FEPA—"Protect Americans from Bribery and Fight Corruption at Its Source"
- Read endorsements of FEPA from TI chapters around the world
- Read a letter of support for FEPA signed by leading U.S. civil society organizations
- Read TI US's updated analysis of how FEPA can be enforced abroad as a matter of law and practice
- Read Transparency International's *Exporting Corruption* report on enforcement of foreign anti-bribery laws in leading exporting nations
- Read the U.S. National Security Council's commitment to working with Congress to criminalize the demand side of bribery in the "United States Strategy on Countering Corruption" (page 12)

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